

NEWS from



Bill Postmus
Supervisor, 1st District

FOR IMMEDIATE RELEASE
January 18, 2001

Contact: Brad Mitzelfelt
(909) 387-4830

POSTMUS BLASTS BUREAU OF LAND MANAGEMENT FOR "BARGAINING AWAY LAND-USERS' RIGHTS"

*Will Ask Board, Federal Agencies to Intervene in Proposed
Court Settlement with Environmentalists*

VICTORVILLE--First District San Bernardino County Supervisor Bill Postmus today criticized the federal Bureau of Land Management (BLM) for agreeing to a court settlement with environmental groups that will result in severe restrictions on public land use in the California Desert Conservation Area.

The proposed settlement is currently in the form of five "stipulations," or legal agreements, proposed by environmental groups who filed suit against the BLM March 16 for "failing to enter into formal consultation with the U.S. Fish and Wildlife Service on the effects of the adoption of the California Desert Conservation Area Plan on threatened and endangered species." The Desert Plan, which affects an area of 11 million acres, was adopted in 1980.

The plaintiff environmental groups include the Center for Biological Diversity, Public Employees for Environmental Responsibility, and the Sierra Club.

One stipulation, signed Wednesday, would restrict numerous activities on BLM-managed public lands, from closing of several roads in San Bernardino County to banning new or expanded mining operations on sites larger than two acres, to restricting, delaying and regulating public utility construction and maintenance. The "Emergency" road closures are designated in the Ord Mountain, Fremont, Kramer, Red Mountain,

-more-

Newberry/Rodman, and Superior areas.

The stipulations also propose the designation of the Mojave River as a "wild and scenic river." This designation would result in untold restrictions of activities near the river, which flows directly through the Victor Valley on mostly private land.

San Bernardino County counsel and consultants are still reviewing the settlement for impacts on county residents, public land users and the county itself, Postmus said, adding that he is upset by the lack of consultation the BLM provided the County during the proceeding.

In response to the proposed settlement, Postmus said he would press the County Board of Supervisors to "seek any and all possible legal remedies to protect our county residents' interests.

"This federal agency is apparently prepared to give away the store," said Postmus.

Postmus added that strained relations over this proceeding could affect the County's cooperation with the proposed West Mojave Coordinated Management Plan.

"The only way that plan will work on other than BLM's land is for the County of San Bernardino to agree to participate," Postmus said. "Because the BLM is showing such disregard for the citizens who live and work and own property in the desert, my strong inclination is to pull San Bernardino County off the Steering Committee and Super Group currently working with BLM in writing the West Mojave Plan until or unless something is done to reverse some of these actions which are tantamount to agreeing to shut down the desert.

"Further, on Monday morning I will ask Congressman Jerry Lewis (R-Redlands) and the Bush Administration to undertake necessary actions to place a 'stay' or a moratorium on such settlements as they are apparently an eleventh-hour move by the outgoing administration.

"Then on Tuesday morning I will ask the Board of Supervisors to authorize a friend-of-the-court (amicus) objection to be submitted before the next hearing date, January 25."

Postmus noted one provision that would allow maintenance of utility pipelines only during two three-month periods, between June and September and November and February. "That's an incredible example of over-reaching on the part of these

environmental litigants," Postmus said.

"I agree that conserving natural resources and threatened and endangered species is important, but I also know that the public lands in our county provide employment, public services, business opportunity and recreation," said Postmus.

"I am very upset by the way this proposed settlement affects our county's roads and other county services," Postmus added. "We will be reviewing that point with our Department of Public Works. The BLM did not include the County in this discussion nor did it consult with the county with regard to cost, feasibility or implementation, even though roads are proposed for closure in our county."

Postmus said he is also alarmed by a provision regarding limestone mining near Lucerne Valley. "The Forest Service, mining companies, environmental interests, and the county have been discussing management of native plant protection for several years," Postmus said. "We would hope that this proposed settlement does not work to break down the attempts to negotiate a broad settlement among all interests by imposing deadlines and requirements on a careful public process.

"The CDCA has been identified as one of the most important mineral repositories in the world," Postmus added. "It's a source of at least 40 different mineral products and more than 25 distinct mineral commodities. Mining is a crucial industry as an employer and taxpaying enterprise in our county."

In a separate stipulation dealing with livestock grazing (part of the same lawsuit), the County filed papers earlier this month in support of its ranchers and private land owners. Included in that filing was a letter from Supervisor Postmus.

Entitled the "Stipulation and Order Concerning Livestock Grazing in Desert Tortoise Habitat" ("Grazing Stipulation"), the stipulation would remain in effect until either the Fish and Wildlife Service completes a biological opinion on the CDCA plan and the BLM implements the terms and conditions in the biological opinion or January 31, 2001, whichever is later.

Under the stipulation, the BLM would:

- a. Implement the current biological opinions for livestock grazing in desert tortoise habitat.
- b. Apply the National Fallback Standards and Guidelines for rangeland

-more-

health and implement individual allotment changes if necessary to meet those standards.

- c. Not issue temporary non-renewable ("TNR") grazing permits for any allotments.
- d. Not authorize grazing on any ephemeral grazing allotments (Pilot Knob, Piute Valley and Chemehuevi). Grazing cannot be authorized on either critical habitat areas or noncritical habitat areas within these allotments.
- e. Not authorize grazing in any areas that do not contain grazing currently. This includes both critical and noncritical habitat.
- f. The BLM would not authorize grazing in desert tortoise "critical habitat" areas from March 1 to June 15 and from September 7 through November 7.

In Postmus' letter of Jan. 8, he wrote, "The Grazing Stipulation effectively closes spring grazing throughout the range of desert tortoise. This loss will have a profound effect upon livestock owners, many of whom trace the origin of their preference (the legal authority to graze upon Federal lands, tied to ownership and control of appropriate base property) and use back over 125 years.

"There are no alternative areas upon which the livestock owners may move their livestock. The Grazing Stipulation compounds the loss by banning grazing during the late summer following 'monsoon' rainfall that might occur providing fresh forage for both livestock and tortoises."

Postmus also objected to the Grazing Stipulation's effect upon intermingled private lands. "BLM has treated the range areas as though they were totally public lands under BLM administration," Postmus said. "Many of the allotments contain extensive amounts of private lands. The livestock cannot be effectively contained upon the private lands but BLM is, in effect, negotiating away private property rights without involvement or agreement of landowners.

"The BLM, in its agreement to the Grazing Stipulation, has not consulted, nor in any manner reflected the needs of, its licensees, lessees and permittees, and has not in any manner consulted with them prior to agreeing to the stipulation."

Postmus urged the Court to take careful notice of documents filed by attorneys for the livestock operators and requested that the Court convene an evidentiary hearing. The Court agreed to a hearing to be conducted January 25.